

0011

*Outgoing  
C/015/0015*

**From:** Steve Christensen  
**To:** Daron Haddock; Jim Smith; John Gefferth; OGMCOAL  
**Date:** 3/3/2008 10:36 AM  
**Subject:** Emery Deep (C/015/0015): Conditional Approval Letters  
**Place:** OGMCOAL  
**Attachments:** 0056.pdf; 0048.pdf

John,

I've attached the two most recent letters that I could find that deal with the full extraction/pillar splitting at Emery Deep. What's the status of the comprehensive 5-year mining plan that's due by April 1st, 2008? Do we need to talk about this? April 1st is going to come awfully fast. Are you on track to make that deadline? Let me know.

Thanks,  
Steve

Steve Christensen  
Environmental Scientist III  
Utah Division of Oil, Gas and Mining  
(801) 538-5350

>>> "Gefferth, John" <[JohnGefferth@consolenergy.com](mailto:JohnGefferth@consolenergy.com)> 2/29/2008 2:40 PM >>>

*John Gefferth*  
Consol Energy  
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0056

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Oil, Gas & Mining**

JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

MICHAEL R. STYLER  
Executive Director

JOHN R. BAZA  
Division Director

November 30, 2007

John A. Gefferth, Environmental Engineer  
Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884

Subject: Status of Full Extraction Pillar Splitting Conditions for 60-Day Increment Conditional Approval for 15<sup>th</sup> West and Zero North and Deficiency List for 15<sup>th</sup> West, 4<sup>th</sup> East, 6<sup>th</sup> Est and Zero North Panels, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task #2821, Outgoing File

Dear Mr. Gefferth:

A 60-day-increment conditional approval for the 15<sup>th</sup> West and Zero North was verbally approved on October 5, 2007 because the mine was facing shutdown if this action was not approved. This letter outlines the status of the four conditions associated with this conditional approval.

1) By October 26, 2007, Consol must submit the summary and analyses for the Probable Hydrologic Consequences. Consol did submit data and calculations relative to water availability issues on August 3, 2007. However, Consol did not adequately identify and summarize the potential impacts of mining on the hydrologic balance on the permit and adjacent area. This summary must be submitted by October 26, 2007 at the close of business. **This information was submitted to the Division on October 26, 2007. This condition has been met.**

2) By April 1, 2008, Consol must submit a comprehensive five-year mining plan (including all of the full extraction areas) with all of the requisite information. Since this conditional approval is the second "emergency" approval granted to the Emery Deep Mine in 2007, this condition is being added to try and avoid another future "emergency" and potential work stoppage in the future. It is also hoped that limited Division resources will be used more efficiently. **This condition must be met by April 1, 2008.**

3) The pre-subsidence survey report contained in Appendix V-5 for the Zero North, 4th East and 6th West panels must be revised. Two sections of irrigation ditches have been identified that may be impacted by fully extracting the 6th West and Zero North panels. They are as follows:

Page 2  
John Gefferth  
November 30, 2007

Approximately 600-700 feet of irrigation ditch is identified on Figure 1 of Appendix V-5 on the western edge of the 6th West panel. The irrigation ditch is located on the John and Vickie Byars property. By October 26, 2007, the irrigation ditch should be numbered and identified on Figure 1 as well as described within the text of the report. In addition, the ditch should be surveyed in order to ascertain potential impacts to the ditch channel during full extraction.

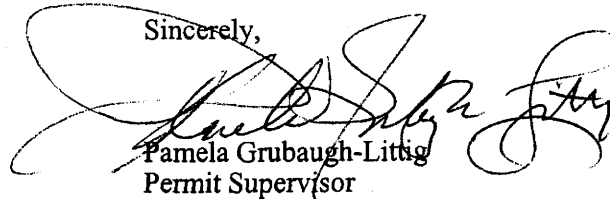
Above the Zero North panel, 800 feet of irrigation ditch has also been identified on Figure 1 extending southwest from the northeast portion of the panel. By October 26, 2007, the irrigation ditch should be numbered and identified on Figure 1 and described within the text of the report. **This information was submitted on October 26, 2007. This condition has been met.**

4) By October 26, 2007 Consol must provide a reference in the MRP to the water rights that will be utilized as an alternative source of water in the event that the Emery backup Wells (#1 and #2) are adversely impacted by mining activity and the surface water supply (Muddy Creek) becomes inadequate. Per conversations with Emery Town representative Darrel Leamaster, the average culinary water usage for the town was 19.21 million gallons/year from 1989 through 2006. The water quality of the replacement water rights will be reviewed. **This water replacement issue associated with the Emery Town Wells has been addressed through discussions with you and Steve Christensen and agreed upon wording in the MRP to be submitted by December 4, 2007. This condition has been met.**

Other additional information, relative to this amendment for the PHC Update and Full Extractions Pillar Splitting for the 15<sup>th</sup> West, 4<sup>th</sup> East, 6<sup>th</sup> East and Zero North Panels, was received on October 3, 2007, October 12, 2007, October 17, 2007 and October 26, 2007 and has been reviewed. The list of deficiencies is attached. For tracking purposes and in order to provide clarification as to what materials should be reviewed, the Division is requiring that these additional materials (including the original submittal) as well as the most recent revisions to various text pages, maps and reports, be submitted in response to this technical analysis. Please submit the response to these deficiencies by December 4, 2007.

If you have any questions, please call me at (801) 538-5268 or Steve Christensen at (801) 538-5350.

Sincerely,



Pamela Grubaugh-Littig  
Permit Supervisor

an  
Enclosures  
cc: Marc Stilson, Water Right (w/o)  
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## Deficiency List

Task ID #2821

### PHC Update and Full Extraction Pillar Splitting – 15<sup>th</sup> West, 4<sup>th</sup> East, 6<sup>th</sup> East and Zero North Panels

The members of the review team include the following individuals:

Priscilla Burton	(PWB)
Steve Christensen	(SKC)
Joe Helfrich	(JCH)
Wayne Western	(WHW)

**R645-301-724-** The Permittee must provide a pre-subsidence survey of the 4<sup>th</sup> East, 6<sup>th</sup> West and Zero North Panels prior to full extraction. (SKC)

**R645-301-728-** The Permittee should provide further discussion as to the potential for groundwater availability impacts as a result of the proposed mining activity. The information presented in the PHC section of the application, Appendix VI-14's mass balance estimates as well as the MODFLO discussion in Appendix VI-15, provide thorough explanations as to the calculations and assumptions utilized in determining the inflow and discharge rates at the mine.

The Permittee should provide a *written* narrative/summary within the text of the MRP (beginning on page VI-16) as to what probable hydrologic consequences may or may not occur as a result of the continuation and increase in mine-water discharge as well as it's cumulative effect on the groundwater resources located within and adjacent to the permit area. The discussion should be specific and detailed in addressing: the potential for the Emery Town wells to be impacted (and if impacted, estimates for recovery to pre-mining conditions), potential impacts to springs and seeps, the potential for further impacts to all three of the Ferron Sandstone layers (including estimates for their recovery to pre-mining conditions) as well as the potential for altering groundwater flow directions and pressures. Essentially, connect the dots with a specific written narrative (based upon the presented data) as to the potential for groundwater availability impacts as a result of full extraction in the permit area. (SKC)

**R645-301-731-** The Permittee must provide detailed surface drainage maps depicting the locations of the diversion structures and sediment control measures to be installed/constructed at the mine. (SKC)

**R645-301-731.210-** The Permittee should commit to begin quarterly field monitoring of the Emery Town wells (Well #1 and Well #2). Upon review of historical groundwater data as well as the continuing groundwater monitoring data supplied to the Division, it's clear that the Ferron Sandstone aquifer will continue to be dewatered as a result of the proposed mining activity at the Emery Deep facility. Emery Town wells #1 and #2 serve as back up culinary water sources for the town. In order to determine what (if any) impact mining activity has on these wells, quarterly monitoring of these wells should begin with the approval of this application. Emery Town wells #1 and #2 will need to be added to relevant text, tables and plates that outline the groundwater monitoring program.

In addition, the Permittee should provide the Division with semi-annual reports/updates documenting the drawdown of the Ferron aquifer relative to the Emery Town wells. (SKC)

**R645-301-731.210, -220-** The Permittee should provide a discussion and/or table that clearly identify all surface and groundwater-monitoring sites. On page V-25 of the application, the Permittee states, "Groundwater monitoring is conducted in the permit and adjacent areas according to the water monitoring plans presented in Table VI-4." However, table VI-4 provides a groundwater quality summary for quaternary deposits. There is no discussion or identification of the surface and ground water monitoring sites. Table VI-17 should be revised or a separate table generated that clearly identifies individual groundwater and surface water sites slated for monitoring and their respective sampling frequencies and protocols. (SKC)

**R645-301-525.120, -525.480- and R645-301-731.530-** The application does not meet the Subsidence Control Plan requirements as required by R645-301-525.480, -525.490 and R645-301-731.530. R645-301-525.480 requires the Permittee to provide the Division with "a *description* of the measures to be taken to in accordance with R645-301-731.530 and R645-301-525.500 to replace adversely affected State-appropriated water supplies or to mitigate or remedy any subsidence-related material damage to the land and protected structures; and other information specified by the Division as necessary to demonstrate that the operation will be conducted in accordance with R645-301-525.300".

Darrel Leamaster from Emery County Services provided water usage data for the town of Emery. The average annual water usage for the town of Emery from 1989-2006 was 19.21 million gallons. The Permittee must provide a description of what measures will be taken in the event that the Muddy Creek drainage runs dry and the Emery Town wells (#1 and #2) are impacted by mining activity. *The description should be adequate enough for Division staff to find that the proposed water replacement measures are capable of providing approximately 20 million gallons/year of sufficient quality water for the town of Emery.* (SKC)

**R645-301-731-** The application does not meet the requirements as provided in R645-301-731. Plate VI-4 needs to be revised to depict the Emery Town Wells (#1 and #2) as being quarterly water level monitoring sites. (SKC)

**R645-301-525.700,** The Permittee must mail a notification the water conservancy district and the owners and occupants of surface properties and structures above the underground workings at least six months before mining. The Division will not accept the three-month period proposed by the operator. (WHW)

**R645-525.480** requires that the Permittee describe the measures to be taken to replace adversely affected State-appropriated water rights. In addition the commitment should be simplified instead of stating the "Permittee will commit", the wording should be the "Permittees commits". (WHW)



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil Gas and Mining

JOHN R. BAZA  
Division Director

OK  
Outgoing  
c/015/0015

October 23, 2007

John A. Gefferth, Environmental Engineer  
Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884

Subject: Full Extraction Pillar Splitting, 60-Day Increment Conditional Approval for 15<sup>th</sup> West and Zero North, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task #2821, Outgoing File

Dear Mr. Gefferth:

A 60-day-increment conditional approval for the 15<sup>th</sup> West and Zero North was verbally approved on October 5, 2007 because the mine was facing shutdown if this action was not approved. Due to limited resources at the Division and Consol's time constraints, it was decided that a 60-day-increment approval rather than a 30-day would be given. This full extraction pillar splitting approval, as shown for the 60-day increment in the attached maps for the 15<sup>th</sup> West and Zero North, has the following conditions:

- 1) By October 26, 2007, Consol must submit the summary and analyses for the Probable Hydrologic Consequences. Consol did submit data and calculations relative to water availability issues on August 3, 2007. However, Consol did not adequately identify and summarize the potential impacts of mining on the hydrologic balance on the permit and adjacent area. This summary must be submitted by October 26, 2007 at the close of business.
- 2) By April 1, 2008, Consol must submit a comprehensive five-year mining plan (including all of the full extraction areas) with all of the requisite information. Since this conditional approval is the second "emergency" approval granted to the Emery Deep Mine in 2007, this condition is being added to try and avoid another future "emergency" and potential work stoppage in the future. It is also hoped that limited Division resources will be used more efficiently.
- 3) The pre-subsidence survey report contained in Appendix V-5 for the Zero North, 4th East and 6th West panels must be revised. Two sections of irrigation ditches have been identified that may be impacted by fully extracting the 6th West and Zero North panels. They are as follows:



Approximately 600-700 feet of irrigation ditch is identified on Figure 1 of Appendix V-5 on the western edge of the 6th West panel. The irrigation ditch is located on the John and Vickie Byars property. By October 26, 2007, the irrigation ditch should be numbered and identified on Figure 1 as well as described within the text of the report. In addition, the ditch should be surveyed in order to ascertain potential impacts to the ditch channel during full extraction.

Above the Zero North panel, 800 feet of irrigation ditch has also been identified on Figure 1 extending southwest from the northeast portion of the panel. By October 26, 2007, the irrigation ditch should be numbered and identified on Figure 1 and described within the text of the report.

4) By October 26, 2007 Consol must provide a reference in the MRP to the water rights that will be utilized as an alternative source of water in the event that the Emery backup Wells (#1 and #2) are adversely impacted by mining activity and the surface water supply (Muddy Creek) becomes inadequate. Per conversations with Emery Town representative Darrel Leamaster, the average culinary water usage for the town was 19.21 million gallons/year from 1989 through 2006. The water quality of the replacement water rights will be reviewed.

#### Background

The Division conditionally approved Full Extraction Pillar in the 14<sup>th</sup> West Panel on April 11, 2007 with 3 conditions (see attached April 11, 2007 letter). Condition #1 required Consolidation Coal Company to submit the entire 14<sup>th</sup> West full extraction plan by April 20, 2007. This submittal was later withdrawn on May 14, 2007 and resubmitted on May 17, 2007. It was subsequently approved June 5, 2007.

The two other conditions of the full extraction pillar splitting of the 14<sup>th</sup> West Panel were: #2) Submit an updated Probable Hydrologic Consequence (PHC) by July 2, 2007, and #3) Resubmit an application for the remainder of the three areas for full extraction (15<sup>th</sup> West, 4<sup>th</sup> East and 6<sup>th</sup> West) by July 2, 2007. On June 26, 2007, Consol requested an extension to August 3, 2007 for the PHC submittal and this was granted on June 28, 2007.

Unfortunately, the application for the remainder of the three areas was not submitted until August 3, 2007 along with the updated PHC submittal. And, when the remainder of the three areas were submitted it included yet another area (Zero North) for a total of four areas for full extraction.

Steve Christensen, Reclamation Hydrologist, worked diligently on this amendment. On September 25, 2007 a meeting was held with you and the review staff (see attached notes). It was agreed that you would submit the requisite information the first week of October 2007.

Page 3

John Gefferth  
October 23, 2007

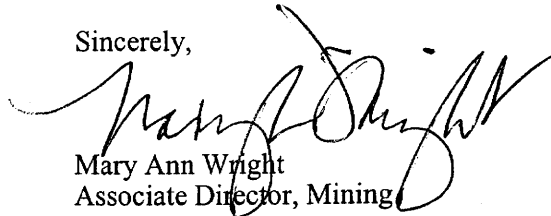
We received additional information from Consol on October 3, 2007. However, not all of the information was adequate as identified in an e-mail from Steve Christensen to you on that same date (see attached e-mail).

On October 4, 2007 it became apparent through telephone calls with you that the mine needed to move equipment to Zero North and 15<sup>th</sup> West or the mine would have to shut down.

Additional information relative to this amendment was received on October 3, 2007, October 12, 2007, and October 17, 2007 and is currently under review.

If you have any questions concerning this conditional approval, please call me at (801) 538-5306, or Pamela Grubaugh-Littig at (801) 538-5268.

Sincerely,



Mary Ann Wright  
Associate Director, Mining

an

Enclosures

cc: Marc Stilson, Water Right (w/o)

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**State of Utah**

**Department of  
Natural Resources**

MICHAEL R. STYLER  
*Executive Director*

**Division of  
Oil, Gas & Mining**

JOHN R. BAZA  
*Division Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

April 11, 2007

APR 16 2007

John A. Gefferth, Environmental Engineer  
Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884

Subject: Full Extraction Pillar Splitting - 14<sup>th</sup> West Panel - Conditional Approval,  
Consolidation Coal Company, Emery Deep Mine, C/015/0015

Dear Mr. Gefferth:

The Division hereby approves full extraction pillar splitting as shown for the first 30-day increment in the attached map with the following conditions:

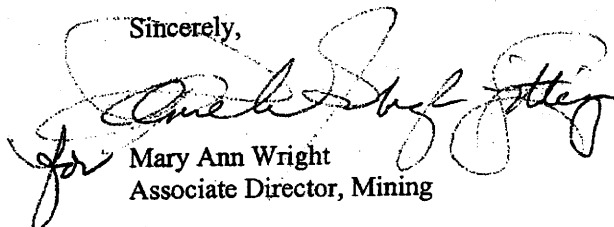
By April 20, 2007, Consol will submit the entire 14<sup>th</sup> West full extraction plan. This revised application will contain the required wildlife and vegetation information that is currently being finalized by Consol's consultant.

By July 2, 2007, (or another date as negotiated by the Division and Consol), Consol will submit an updated Probable Hydrologic Consequence (PHC). This PHC update will include but not be limited to updated potentiometric hydraulic surface maps and an analysis of the well data and the effects of previous mining on the ground water and the future effect of full extraction on the aquifer.

By July 2, 2007, Consol will resubmit an application for the remainder of the three areas for full extraction (15<sup>th</sup> West, 4<sup>th</sup> East, 6<sup>th</sup> West).

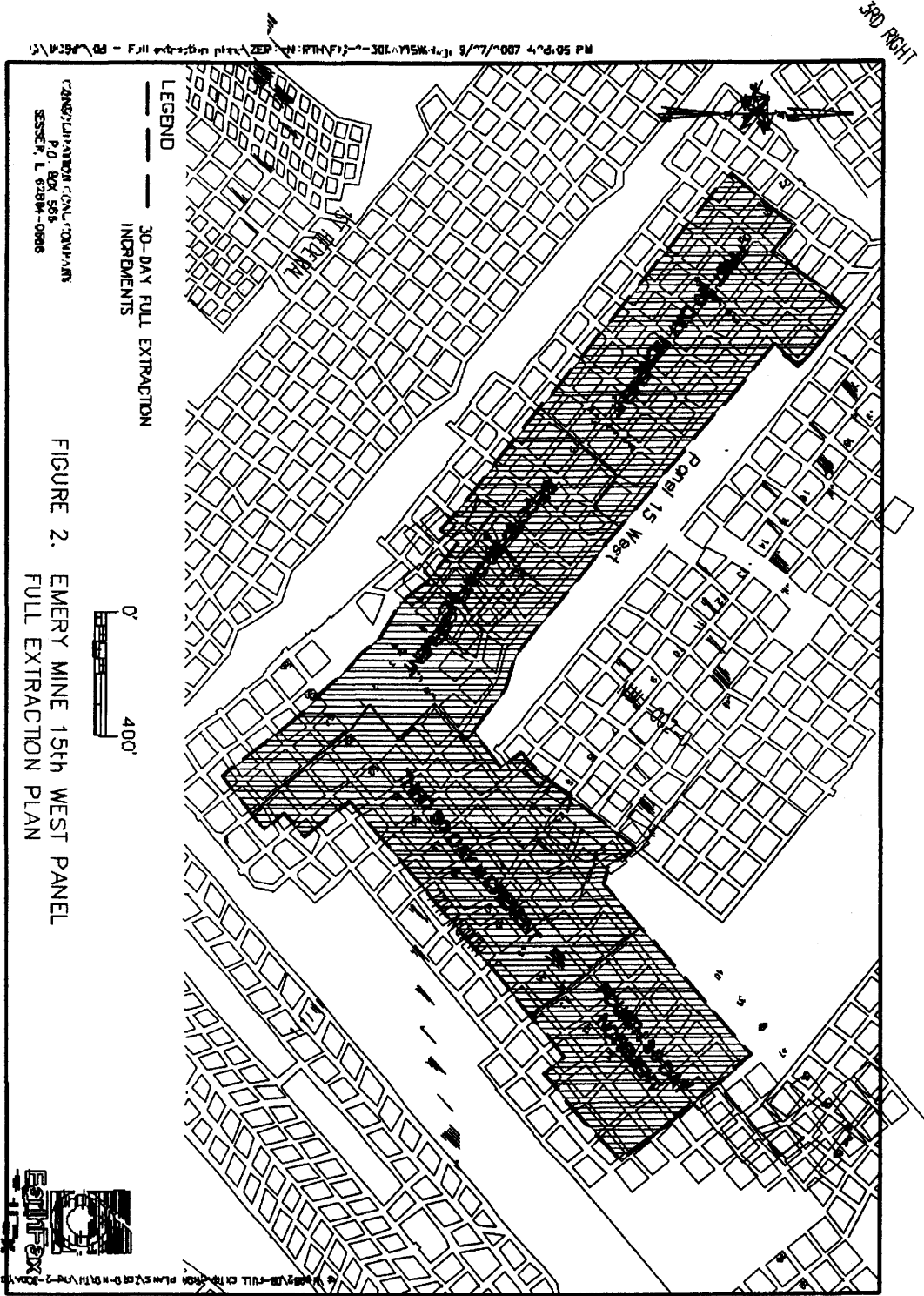
If you have any questions, please call Pamela Grubaugh-Littig at (801) 538-5268 or me at (801) 538-5306.

Sincerely,

  
for Mary Ann Wright  
Associate Director, Mining

an  
Enclosure (30-day Extraction Map for 14<sup>th</sup> West)  
cc: Price Field Office  
O:\015015.EME\FINAL\anawprovisionalapproval\April 11 2007.doc





EMERY MINE 15th WEST PANEL  
 FULL EXTRACTION PLAN  
 P.O. BOX 585  
 SASSAR, L. 6284-0906

FIGURE 2. EMERY MINE 15th WEST PANEL  
 FULL EXTRACTION PLAN



3/7/2007 4:06:05 PM - Full extraction plan - EMERY MINE 15th WEST PANEL

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## UTAH OGM COAL PROGRAM MEETING NOTES

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**Date:** September 25, 2007  
**Time:** 1:00 PM  
**Location:** DNR-Salt Lake City

**To:** Internal File, Emery Deep Mine, C/015/0015, #2821

**From:** Steve Christensen

**Attendees:** John Gefferth, Consol  
Priscilla Burton, DOGM  
Steve Christensen, DOGM  
Joe Helfrich, DOGM  
Wayne Western, DOGM

**Purpose:** Discuss timing and information requirements for submittals/approval relative to full extraction amendment for the 15<sup>th</sup> West, 4<sup>th</sup> East, 6<sup>th</sup> West and 0 North Panels.

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### MEETING SUMMARY:

Mr. Gefferth provided an overview of current mining activities as well as Consol's future mining plans. It was determined that the conditional approval granted to Consol in May of 2007 was only for the 14<sup>th</sup> West panel. The 15<sup>th</sup> west panel was not included in that conditional approval. Mr. Gefferth indicated that by mid to late October, crews will be ready to begin extracting pillars in the 15<sup>th</sup> West and Zero North panel. The full extraction of the Zero North panel was not part of the submittal currently under review by the Division. Mr. Gefferth indicated that next week (October 1<sup>st</sup>-5<sup>th</sup>) he'd be submitting supplemental information relative to full extraction mining in the Zero North panel (See Action Items below).

It was discussed that the Zero North panel is located within the 1st North IBC area that was previously approved by the Division and that essentially there were two items of information missing: a pre-subsidence survey and an archaeological study. Mr. Gefferth indicated that a Level III archaeology study had been performed and that a pre-subsidence survey was currently underway. As mentioned previously, Mr. Gefferth will provide that information to the Division next week.

Subsidence impacts within the 14<sup>th</sup> West panel were discussed. According to Mr. Gefferth, the subsidence was less than originally predicted. According to previously submitted information, 5 feet of subsidence was predicted. According to data presented by Mr. Gefferth, the actual measured subsidence in the area of the 14<sup>th</sup> West panel is between 2-3 feet.

Joe Helfrich discussed deficiencies relative to Threatened and Endangered Species.

**From:** Steve Christensen  
**To:** Pam Grubaugh-Littig  
**Date:** 10/4/2007 8:56 AM  
**Subject:** Emery Deep #2821: October 3rd Submittal

*Internal*  
*c/p 15/10/15*

Pam,

I did a quick inventory of what John Gefferth submitted on Wednesday. The transmittal letter states, "Enclosed please find three (3) copies of the submittal containing your staff's requested changes as redline strikeouts". Upon reviewing the submittal, there are a couple of items we asked for that weren't included and there are other items that we weren't provided 3 copies of.

I've cut and pasted the outstanding items (italics/bold) we identified at the meeting on September 25th below:

***-An updated pre-subsidence survey for the 4<sup>th</sup> East, 6<sup>th</sup> West and Zero North panels as was previously required for the 14<sup>th</sup> West panel.***

3 copies of a pre-subsidence survey for the Zero North panel were included in the submittal. However, there is not an updated pre-subsidence survey for the 4th East and 6th West panels. We had him update the pre-subsidence survey for the 14th West panel because they began full extraction. The same reasoning applies here. I'm not sure why he didn't provide them.

***-As previously requested as part of the conditional approval for full extraction in the 14<sup>th</sup> West panel, the updated surface drainage maps.***

The letter states, "These maps will be submitted by October 17th, 2007". As such, the updated drainage maps were not included in the submittal.

***-As previously requested as part of the conditional approval for full extraction in the 14<sup>th</sup> West panel, a stand-alone water rights map based on meetings with the Division of Water Rights.***

Three copies of the water rights map were provided.

***-The Level III Archaeology Report for the Zero North Panel***

We received one copy of the archaeology report. Again, the letter says that three copies were provided. Why we received one copy of this report, I don't know.

***-Copies of the power line agreement and road agreement relative to the 15<sup>th</sup> West full extraction approval.***

We received one copy of the power line and road agreement, not three.

***-The monthly subsidence map/information for the month of August 2007 will be provided with the 15<sup>th</sup> West application. Included with the report will be elevational data obtained by Consol depicting subsidence levels in the area of the 14<sup>th</sup> West panel. Spring data for SP-10, SP-11 and SP-12 will be added to the subsidence reports. In addition, Priscilla Burton will be added to the routing list.***

This information was not included with the submittal.

That's it. I'll be talking to John at some point today and can ask him about the discrepancies in numbers of copies and when the other requested items are coming in (besides the drainage maps-estimated arrival October 17th).

Thanks,  
Steve